

**A RESOLUTION ADOPTING A FINAL PROJECT PLAN  
FOR WASTEWATER SYSTEM IMPROVEMENTS AND  
DESIGNATING AUTHORIZED PROJECT REPRESENTATIVES**

**WHEREAS**, the City of Detroit (“City”), by its Water and Sewerage Department (“DWSD”), is the owner and operator of certain interceptor sewers, meters and appurtenant facilities located in Macomb County (hereinafter referred to collectively as the “OMI”, and generally consisting of the Edison Corridor Interceptor, Oakland Arm Interceptor and Avon Arm Interceptor) that presently collects and transports wastewater flow from the Clinton-Oakland Sewage Disposal District and the Macomb County Wastewater Disposal District for treatment at the Detroit Wastewater Treatment Plant (“Detroit WWTP”); and,

**WHEREAS**, the Macomb County Board of Supervisors by Resolution 850, February 14, 1964 appointed the Macomb County Drain Commissioner as the County Agency under 1939 P.A. 342, for Macomb County to acquire, purchase, own and maintain sewer facilities serving the communities and residents of Macomb County and to enter into and execute the necessary contracts for the operation and financing of those sewers;

**WHEREAS**, the Oakland County Board of Commissioners appointed the Oakland County Drain Commissioner as the County Agency under 1939 P.A. 342, for Oakland County to acquire, purchase, own and maintain sewer facilities serving the communities and residents of Oakland County and to enter into and execute the necessary contracts for the operation and financing of those sewers; and

**WHEREAS**, Act 342 grants the county agencies to act on behalf of their respective counties to borrow money, issue bonds and receive any grants or gifts of money; and

**WHEREAS**, Oakland County Water Resources Commissioner John McCulloch and Macomb County Public Works Commissioner Anthony Marrocco as County Agencies under 1939 P.A. 342, M.C.L. 46.171 *et seq.*, for their respective counties, entered into a Settlement Agreement dated May 12, 2009 with the City, which among other things, provides for the City to transfer all of the City's right, title and interest in the OMI to a drainage district to be established in accordance with Chapter 21 of the Public 40 of the Public Acts of 1956, M.C.L. 280.1 *et seq.*, as amended; and

**WHEREAS**, the Oakland County Water Resources Commissioner and the Macomb County Public Works Commissioners are the duly elected drain commissioners for their respective counties and have the legal authority to exercise all of the powers and obligations vested in the office of drain commissioner under the Drain Code, 1956 P.A. 40, M.C.L. 280.1 *et seq.*, and

**WHEREAS**, Oakland County, by and through its Water Resources Commissioner, and Macomb County by and through its Public Works Commissioner, have received petitions under Chapter 21 of the Drain Code, M.C.L. 280.511 *et seq.*, for the establishment of a drainage district to acquire and operate the OMI and that drain proceedings initiated by those petitions are now underway; and

**WHEREAS**, the Water Resources Commissioner and the Pubic Works Commissioner will constitute two of the three drain board members for the new Chapter 21 drainage district when the statutory procedures for the establishment of the drainage district have been completed and, upon due motion and vote, will have the authority by acting together to cause the drainage

district to undertake all activities necessary to apply for and procure funding assistance from the Michigan State Wastewater Revolving Fund ("SRF"); and

**WHEREAS**, the Commissioners have determined that it is urgent that major rehabilitation activities begin to repair and rehabilitate the OMI so as to avoid potentially catastrophic structural failure and a release of millions of gallons in raw sewage into the waters of the state, and that it is in the best interest of the communities and residents in the proposed drainage district to obtain funding for the rehabilitation work from the SRF; and

**WHEREAS**, the Commissioners are resolved that their first act as members of the new Chapter 21 drain board after establishment of the drainage district shall be to cause the new drainage district to take all actions necessary to obtain funding assistance from the SRF in the first quarter of 2010 and to ratify all actions taken by the drain commissioners on behalf of the new drainage district, and have determined that, in order to expedite the SRF application process they will use their authority as County Agencies to initiate all necessary actions to submit a final project plan on behalf of the new drainage district that is presently in the process of being established and that, until that time, they will exercise their legal authority of County Agencies and Drain Commissioners to take all preliminary actions necessary to achieve the acquisition and rehabilitation of the OMI;

**WHEREAS**, under the Drain Code, drain commissioners, when acting as members of the drain board for the new drainage district, require no authorizations or approvals from the Boards of Commissioners in their counties because the Drain Code grants drain commissioners all legal authority necessary and sufficient to carry out activities permitted under the Drain Code;

**WHEREAS**, the Oakland and Macomb Commissioners authorized Environmental Consulting & Technology, Inc. ("ECT, Inc."), to prepare a Project Plan, which recommends the structural rehabilitation of the Oakland Macomb Interceptor Drain and necessary ancillary construction. This plan proposes that this section of interceptor (approximately 21.4 miles) be rehabilitated to restore a minimum structural life of 20 years through, grouting voids, localized repairs and sliplining. Repair of existing gate structures and construction of new control gates will also be required to perform this work; and

**WHEREAS**, said Project Plan was presented at a Public Hearing held on Wednesday, June 10, 2009 at Utica Public Schools Instructional Resource Center and all public comments have been considered and addressed;

**NOW THEREFORE BE IT RESOLVED**, that the Oakland County Water Resources Commissioner and the Macomb County Public Works Commissioner as County Agencies under Act 342, as Drain Commissioners of their respective counties, and as controlling members of the drain board of the Chapter 21 drainage district now in formation, formally adopt said Project Plan and agree to take all actions as County Agencies, Drain Commissioners and members of the new drain board to implement the selected alternative (Alternative No. Three – Rehabilitation of the Interceptor).

**BE IT FURTHER RESOLVED**, that the Oakland County Water Resources Commissioner and the Macomb County Public Works Commissioner as Drain Commissioners of their respective counties and as controlling board members of the drain board of the Chapter 21 drainage district now in formation designate Douglas Buchholz, P.E., Director of

Operations, Oakland County Water Resources Commissioners Office, and James Pistilli, P.E., Assistant Engineer, Macomb County Public Works Commissioners Office, as the authorized representatives of the County Agencies, Drain Commissioners and the new drain board for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a revolving fund loan to assist in the implementation of the selected alternative.

OAKLAND COUNTY WATER RESOURCES COMMISSIONER


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Date: \_\_\_\_\_

John P. McCulloch

Acting in his Office as Oakland County Drain Commissioner and As County Agency for Oakland County

MACOMB COUNTY PUBLIC WORKS COMMISSIONER

  
WM

Date: 6/25/09

Anthony V. Marrocco

Acting in his Office as Macomb County Drain Commissioner and As County Agency for Macomb  
County